



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466  
<http://www.epa.gov/region08>

JUN 8 2005

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Heart Six Ranch, Inc.  
CT Corporation System, Registered Agent  
1720 Carey Ave.  
Suite 200  
Cheyenne, WY 82001

Heart Six Ranch, LLC  
William P. Schwartz, Registered Agent  
20 East Simpson  
P.O. Box 3890  
Jackson, WY 83001

Brian Harris, Owner  
Heart Six Guest Ranch  
P.O. Box 70  
Moran, WY 83013

Re: Administrative Order  
Docket No. SDWA-08-2005-0025  
PWS ID# WY5600502

Dear Messrs. Harris and Schwartz:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that Heart Six Ranch, Inc.; Heart Six Ranch, LLC; and Brian Harris (collectively "Respondents") are suppliers of water as defined by the SDWA and have violated the National Primary Drinking Water Regulations (NPDWR) at 40 C.F.R. §§ 141.21(b)(5), 141.201, 141.21(g)(2), 141.31(b) for: failure to collect five additional routine samples after a total coliform positive sample in the preceding month; failure to provide public notice of the violations; failure to report total coliform violations to EPA; and failure to report SDWA violations to EPA.

Please note that the other Amended Administrative Order, Docket No. PWS-VIII-98-55, issued to Heart Six Guest Ranch on April 29, 1999 remains open and is still effective. Respondents will now need to comply with both Orders. If Respondents comply with the enclosed Order for a period of at least 24 months, EPA may choose to close the Order. Violating

the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering Respondents to comply.

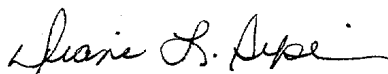
Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Included in this package is a public notification template that Respondents can use to fulfill the notification requirements mentioned in the Order.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that Respondents believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Lisa Kahn at the address on the letterhead, include the mailcode 8ENF-W, or Respondents may call Ms. Kahn at (800) 227-8917, extension 6896, or (303) 312-6896. If Respondents wish to have an informal conference with EPA, Respondents may also call or write Ms. Kahn. If Respondents are represented by an attorney or have legal questions, please have Respondents attorney(s) call Michelle Marcu at (800) 227-8917, extension 6921, or at (303) 312-6921.

We urge Respondents' prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

Order

Public Notice Template

SBREFA

cc: Wyoming DEQ (via email)

Wyoming DOH (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

JUN 8 2005

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Teton County Commissioners  
c/o Larry Jorgenson, Chair  
P.O. Box 3594  
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
Heart Six Guest Ranch  
PWS ID# WY5600502

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the Heart Six Guest Ranch, Moran, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWR). The system is in violation of 40 C.F.R. §§ 141.21(b)(5), 141.201, 141.21(g)(2), 141.31(b) for: failure to collect five additional routine samples after a total coliform positive sample in the preceding month; failure to provide public notice of the violations; failure to report total coliform violations to EPA; and failure to report violations of NPDWR to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Lisa Kahn at (303) 312-6896.

Sincerely,

A handwritten signature in cursive script, reading "Diane L. Sipe", is written over a horizontal line.

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2005 JUN -8 PM 1:26

FILED  
EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF )

Heart Six Ranch, Inc. )

P.O. Box 4996 )

Jackson, Wyoming )

Heart Six Ranch, LLC )

P.O. Box 4996 )

Jackson, Wyoming )

Brian Harris )

Heart Six Guest Ranch )

P.O. Box 70 )

Moran, Wyoming )

Respondents )

Proceedings under Section 1414(g) )

of the Safe Drinking Water Act, )

42 U.S.C. § 300g-3(g) )

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2005-0025

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Heart Six Ranch, Inc. is a corporation under the laws of the state of Wyoming as of July 12, 2001; Heart Six Ranch, LLC is a limited liability company under the laws of the state of Wyoming as of August 18, 2000; and Brian Harris is an

individual (collectively "Respondents"); and therefore all are "persons" within the meaning of 40 C.F.R. § 141.2.

2. Respondents own and/or operate a system, the Heart Six Guest Ranch (the System), located in Moran, Wyoming for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondents own and/or operate a public water system and are therefore "suppliers of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondents are therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to a December 2003 sanitary survey by an agent for EPA, Respondents operate a system that is supplied solely by a ground water source consisting of one well operating since 1995 and serves approximately 40 persons through 16 service connections.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.21(b)(5) requires public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples

to collect at least 5 routine samples during the next month the system provides water to the public.

2. Respondents failed to collect at least 5 routine samples in December 2003, July 2004, and November 2004 after a total coliform positive sample in the preceding months, in violation of 40 C.F.R. § 141.21(b)(5).

## II.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any violations of the national primary drinking water regulations (NPDWR), including violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondents provided public notice of the December 2003 violation detailed in the preceding Section I of this Order, but failed to include all of the required language, in violation of 40 C.F.R. § 141.201.

## III.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondents failed to report to EPA instances of noncompliance detailed in Section I of this Order, in violation of 40 C.F.R. § 141.21(g)(2).

IV.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondents failed to report to EPA the noncompliance detailed in Section II of this Order, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondents shall comply with all sampling requirements specified in 40 C.F.R. §141.21(b)(5). If Respondents' water system has one or more total coliform positive samples in a month, Respondents shall collect at least 5 routine samples during the next month the system provides water to the public. Respondents shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
2. No later than 30 days from the effective date of this Order, Respondents must provide public notice of the violation(s) specified under the Findings of Violation in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. This notice must be given by any one of the following methods: (1) posting the notice in conspicuous locations throughout the distribution system and frequented by persons served by the system; (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the system, if they would not normally

be reached by the notice described in (1) and (2), including publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations. Upon the effective date of this Order, Respondents shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondents shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

3. Upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the System discovers the violation.
4. Except where a different reporting period is specified in paragraph 3 above, upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.
5. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-MS)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

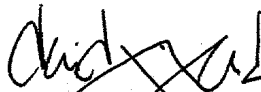


GENERAL PROVISIONS

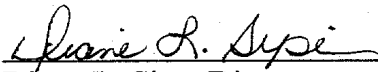
1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondents to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondents to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 8 day of June, 2005.



Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



United States  
Environmental Protection  
Agency

Office of Enforcement and Compliance Assurance (2201A)  
EPA 300-F-03-001 May 2003

## U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

Pollution Prevention Clearinghouse  
<http://www.epa.gov/opptintr/library/ppicindex.htm>

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:  
(800) 368-5888

Emergency Planning and Community Right-To-Know Act  
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)  
(800) 424-8802

Toxics Substances and Asbestos Information  
(202) 554-1404

Safe Drinking Water  
(800) 426-4791

Stratospheric Ozone and Refrigerants Information  
(800) 296-1996

Clean Air Technology Center  
(919) 541-0800

Wetlands Helpline  
(202) 233-7800

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

#### EPA's Home Page

<http://www.epa.gov>

#### Small Business Assistance Program

<http://www.epa.gov/ttn/sbap>

#### Office of Enforcement and Compliance Assurance

<http://www.epa.gov/compliance>

#### Compliance Assistance Home Page

<http://www.epa.gov/compliance/assistance>

#### Office of Regulatory Enforcement

<http://www.epa.gov/compliance/civil/index.html>

#### Office of Site Remediation Enforcement

<http://www.epa.gov/compliance/cleanup>

#### Innovative Programs for Environmental Performance

<http://www.epa.gov/partners>

#### Small Business Ombudsman

[www.sba.gov/ombudsman](http://www.sba.gov/ombudsman)

## TIER 3 TEMPLATES

The pages that follow contain templates for Tier 3 violations and situations. Along with the templates are instructions, including the required method of delivery and instructions for completing individual sections of the notices. These instructions are designed to supplement Chapter 7, so you may see much of the information repeated here.

**Mandatory language on unknown risk for monitoring violations, which must be included exactly as written, is presented in *italics* (141.205(d)).**

You must also include the following italicized language in all notices, where applicable (141.205(d)). Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify all persons served:

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

### **Templates**

Monitoring Violations Annual Notice—Template 3-1

## Instructions for Monitoring Violations Annual Notice--Template 3-1

### Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

### Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

### After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Monitoring Requirements Not Met for Heart Six Guest Ranch

Our water system violated several drinking water standards over the past year. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During December 2003, July 2004, and November 2004 we did not complete all monitoring for total coliform bacteria and therefore cannot be sure of the quality of our drinking water during that time.

#### What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant we did not properly test for during the last year, how often we are supposed to sample for total coliform bacteria and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

| Contaminant             | Required sampling frequency                       | Number of samples taken | When all samples should have been taken     | When samples were or will be taken |
|-------------------------|---|-------------------------|---|------------------------------------|
| Total Coliform Bacteria | 5 additional samples after TC+ in preceding month | 0                       | December 2003, July 2004, and November 2004 | Fill in this section               |
|                         |   |                         |   |                                    |
|                         |   |                         |   |                                    |

#### What happened? What is being done?

Describe corrective action here

For more information, please contact Ray McCoy at 307-543-2477 or PO Box 70, Moran, WY 83013.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by Heart Six Guest Ranch.

State Water System ID# : WY5600502 Date distributed: \_\_\_\_\_

← Date

WYOMING  
WATER/WASTEWATER  
TASK FORCE

Governor Jim Geringer established the

Wyoming Water/Wastewater Task

Force in 2001 as an interagency effort

to reduce the likelihood of waterborne

disease outbreaks in Wyoming. Govern-

ment agencies represented on the Task

Force include the Wyoming Department

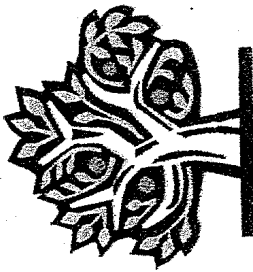
of Agriculture, Wyoming Department of

Health, Wyoming Department of Envi-

ronmental Quality, several county

health departments, and the U.S.

Environmental Protection Agency.



FUNDING OPTIONS  
FOR  
PRIVATELY-OWNED  
PUBLIC WATER  
SYSTEMS IN  
WYOMING

